

From: Maynard, Garth
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 7:44am
Subject: Microsoft Settlement

To Whom It May Concern,

I am not a big fan of the findings of fact in the Microsoft case. However, the proposed settlement does not address the issues that brought the case to trial, and it does not address the findings of fact. I do not know if Microsoft is truly a monopoly, but I do know that the proposed settlement has the effect of negating the courts previous findings. In essence, if the settlement is allowed to go forward, it will not change the situation any more than if the higher courts had reversed the lower courts ruling.

To address the ruling that Microsoft used its monopoly status to unfairly harm competition, it should be forced into two actions. First, Microsoft must make their OS source code available to everyone, without restrictions, at the same time it makes the source code available to the application programmers within its own company. Second, it must agree to bundle anyone's software in the same virtual location that they bundle their own, for any software developer who requests it. In other words, if MS wants to bundle their IE browser on the desktop with the release of their new OS product, then anyone who wishes, such as Netscape for example, must be given the opportunity to include their browser on the desktop as well. This way, any competing product will have the same chance as the MS product. If MS fails to comply, it must either pay damages to the company that was left out of the release or pay the reasonable expenses for advertising that would allow the competing product to gain an equivalent advantage to being bundled with the OS.

The issue at hand only deals with products that are not a part of the core OS. As such, MS would not be harmed by making the non-competing portions of their OS available to the public. By allowing all developers the same access to the operating system, and equal access to the consumer on the desktop, Microsoft will be stymied in any further attempts to use its position as a monopoly to discourage competition.

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